



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-2982



Sylvia Kotsonas
15 Parker Drive
Hudson, NH 03051

LETTER OF DEFICIENCY

#SP-2002-17
August 26, 2002

RE: DES Wetlands File #2002-01665 15 Parker Drive, Hudson

Dear Ms. Kotsonas,

On August 8, 2002, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, identified as Hudson Tax Map 39, Lot 7, 15 Parker Drive, Hudson, New Hampshire (the "Property"). The purpose of this site inspection was to determine compliance with RSA 483-B, The Comprehensive Shoreland Protection Act. During the inspection the following deficiencies were noted:

1. Disturbed soils were observed in close proximity to Robinson Pond without erosion control measures in place.
2. A beach and retaining wall were under construction. The NHDES Wetlands Bureau does not have record of a permit having been issued for this work
3. A dock was observed that does not meet size and configuration requirements under Env-Wt 402. Standard allowable size for a seasonal dock on a lake or pond of less than 1000 acres is 6 feet by 30 feet, and constructed perpendicular to the shoreline.
4. A storage shed measuring 6'6" by 9'4" and less than 20 feet in height was located on the dock. This structure is defined as an accessory structure under Env-Ws 1405, and is required to be a minimum of 20 feet from the reference line of Robinson Pond.

In response, you are requested to take the following actions:

1. Within 48 hours of receipt of this Letter of Deficiency, install proper erosion control measures to prevent sedimentation into Robinson Pond. Failure to control sedimentation could result in water quality violations of \$1,500. per occurrence.
2. Within 20 days of receipt of this Letter of Deficiency, the storage shed currently placed on the dock should be moved to a location at least 20 feet from the reference line of Robinson Pond.
3. Within 30 days of receipt of this Letter of Deficiency, apply to the NHDES Wetlands Bureau for an "after the fact" permit for the beach, retaining wall, and dock. The enclosed "Standard Dredge and Fill" application should be completed, using the "checklist" and following the instructions carefully. The dock will need to be reconfigured to meet the specifications described in #3 above. Please include photographs that show the storage shed in its new location.

All documentation submitted relative to this Letter of Deficiency should be addressed as follows:

Allyson Gourley
Shoreland Compliance Coordinator
6 Hazen Drive
PO Box 95
Concord, NH 03302-0095.

RSA 482-A, the New Hampshire Wetlands Law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit.

RSA 483-B, CSPA, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establishes minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Enclosed, for your information is a Standard Dredge and Fill Application, copies of fact sheets explaining the Comprehensive Shoreland Protection Act, a copy of the Act, administrative rules Env-Ws 1400, and proper installation and maintenance of erosion control measures. Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Allyson Gourley at (603) 271-6876.

Sincerely,

COPY

Mary Ann Tilton
Senior Enforcement Officer
Wetlands Bureau

CERTIFIED MAIL 7099 3400 0003 0688 0269

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit
Mark Harbaugh, DES Enforcement Attorney ✓
Hudson Conservation Commission
Hudson Board of Selectmen
David Killoy, USACOE